

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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5 JUSTIN BAUM,

6 Plaintiff,

7 vs.

8 STATE FARM MUTUAL AUTOMOBILE
INSURANCE COMPANY,

9 Defendant.

2:15-cv-01917-APG-VCF

ORDER

10 Before the court is Defendant's Emergency Motion to Compel Rule 35 Examination and Extend
11 Discovery (#15).

12 Pursuant to Local Rule 7-5(d), "[w]ritten requests for judicial assistance in resolving an emergency
13 dispute shall be entitled "Emergency Motion" and be accompanied by an affidavit setting forth: (1) The
14 nature of the emergency; (2) The office addresses and telephone numbers of movant and all affected
15 parties; and, (3) A statement of movant certifying that, after personal consultation and sincere effort to do
16 so, movant has been unable to resolve the matter without Court action. The statement also must state when
17 and how the other affected party was notified of the motion or, if the other party was not notified, why it
18 was not practicable to do so. If the nature of the emergency precludes such consultation with the other
19 party, the statement shall include a detailed description of the emergency, so that the Court can evaluate
20 whether consultation truly was precluded. It shall be within the sole discretion of the Court to determine
21 whether any such matter is, in fact, an emergency."

22 Here, after review of the motion and declaration, the Court finds that the instant motion is not an
23 emergency and will not expedite the briefing schedule because discovery cut-off is July 25, 2016 and the
24 last date for disclosure of experts is May 25, 2016. (#13). There is sufficient time to brief this motion in
25 the ordinary course.

1 Accordingly,

2 IT IS HEREBY ORDERED that a hearing on Defendant's Emergency Motion to Compel Rule 35
3 Examination and Extend Discovery (#15) is scheduled for 10:00 a.m., May 6, 2016, in courtroom 3D.

4 DATED this 15th day of March, 2016.

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8 CAM FERENBACH
9 UNITED STATES MAGISTRATE JUDGE
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